IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

ROSLYN WOOD, et al.,

Plaintiffs,

v. CIVIL ACTION NO. 2:13-cv-24263

BOSTON SCIENTIFIC CORPORATION,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending is Defendant's Motion to Dismiss with Prejudice for plaintiff's failure to (1) timely serve a Plaintiff Fact Sheet; (2) provide executed authorizations for records collection; and (3) schedule her deposition after numerous attempts, filed September 27, 2018. [ECF No. 21]. Plaintiff has not responded to the Motion.

The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that Boston Scientific Corporation ("BSC") should be dismissed without prejudice for plaintiff's failures to comply with the court's pretrial orders as outlined above.

Therefore, the court **ORDERS** that BSC's Motion [ECF No. 21] is **GRANTED** in part to the extent BSC seeks dismissal and **DENIED** insofar as BSC seeks

dismissal of the entire case with prejudice. The court ORDERS that BSC is dismissed from this action and, because no other defendant remains, the case is closed.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 21, 2020

JØSEPH R. GOODWJ

UNITED STATES DISTRICT JUDGE